

SENATE BILL 388

By Briggs

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 3; Title 39; Title 55, Chapter 8 and Title
65, relative to the operation of motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-8-199, is amended by deleting the section and substituting instead the following:

(a) As used in this section:

(1) "Stand-alone electronic device" means a device other than a wireless telecommunications device that stores audio or video data files to be retrieved on demand by a user;

(2) "Utility services" means and includes electric, natural gas, water, waste-water, cable, telephone, or telecommunications services or the repair, location, relocation, improvement, or maintenance of utility poles, transmission structures, pipes, wires, fibers, cables, easements, rights of way, or associated infrastructure; and

(3) "Wireless telecommunications device" means a cellular telephone, a portable telephone, a text-messaging device, a personal digital assistant, a stand-alone computer, a global positioning system receiver, or substantially similar portable wireless device that is used to initiate or receive communication, information, or data. "Wireless telecommunications device" does not include a radio, citizens band radio, citizens band radio hybrid, commercial two-way radio communication device or its functional equivalent, subscription-based emergency

communication device, prescribed medical device, amateur or ham radio device, or in-vehicle security, navigation, or remote diagnostics system.

(b) A person, while operating a motor vehicle on any road or highway in this state, shall not:

(1) Physically hold or support, with any part of the person's body a:

(A) Wireless telecommunications device. This subdivision

(b)(1)(A) does not prohibit the use of an earpiece, headphone device, or device worn on a wrist to conduct a voice-based communication; or

(B) Stand-alone electronic device;

(2) Write, send, or read any text-based communication, including, but not limited to, a text message, instant message, email, or internet data on a wireless telecommunications device or stand-alone electronic device. This subdivision

(b)(2) does not apply to:

(A) A voice-based communication that is automatically converted by such devices to be sent as a message in a written form; or

(B) The use of such devices for navigation of the motor vehicle for global positioning system purposes;

(3) Watch a video or movie on a wireless telecommunications device or stand-alone electronic device other than watching data related to the navigation of the motor vehicle; or

(4) Record or broadcast video on a wireless telecommunications device or stand-alone electronic device. This subdivision (b)(4) does not apply to electronic devices used for the sole purpose of continuously recording or broadcasting video within or outside of the motor vehicle.

(c) A person, while operating a commercial motor vehicle on any road or highway in this state, shall not:

(1) Use more than a single button on a wireless telecommunications device to initiate or terminate a voice communication; or

(2) Reach for a wireless telecommunications device or stand-alone electronic device in a manner that requires the driver to no longer be:

(A) In a seated driving position; or

(B) Properly restrained by a safety belt.

(d)

(1) A violation of this section is a Class C misdemeanor, subject only to imposition of a fine not to exceed fifty dollars (\$50.00) and court costs not to exceed ten dollars (\$10.00), including, but not limited to, any statutory fees of officers. State and local litigation taxes are not applicable to a case prosecuted under this section.

(2) In addition to any fine imposed under subdivision (d)(1), a person who violates this section as a first offense shall attend and complete a driver education course pursuant to § 55-10-301.

(3) Each violation of this section constitutes a separate offense.

(e) This section does not apply to the following persons:

(1) Officers of this state or of any county, city, or town charged with the enforcement of the laws of this state, or federal law enforcement officers when in the actual discharge of their official duties;

(2) Campus police officers and public safety officers, as defined by § 49-7-118, when in the actual discharge of their official duties;

(3) Emergency medical technicians, emergency medical technician-paramedics, and firefighters, both volunteer and career, when in the actual discharge of their official duties;

(4) Emergency management agency officers of this state or of any county, city, or town, when in the actual discharge of their official duties;

(5) Persons using a wireless telecommunications device to communicate with law enforcement agencies, medical providers, fire departments, or other emergency service agencies while driving a motor vehicle, if the use is necessitated by a bona fide emergency, including a natural or human occurrence that threatens human health, life, or property;

(6) Employers or contractors of utility services providers acting within the scope of their employment while responding to a utility emergency; and

(7) Persons who are lawfully parked in their motor vehicles.

(f) A traffic citation that is based solely upon a violation of this section is considered a moving traffic violation.

(g) The department of transportation is directed to utilize the department's permanent electronic overhead informational displays located throughout this state to provide periodic messages to the motoring public as to this section.

(h) The department of safety is directed to include distracted driving as part of the instructional information used in driver education training.

SECTION 2. This act shall take effect January 1, 2020, the public welfare requiring it.